IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

Bail Appl..No. 7170 of 2006()

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CR.NO.14/06 OF CHANGANASSERY EXCISE RANGE.

PETITIONER/ACCUSED

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RAJESH, S/O.RAJAPPAN,
AREENOORIL CHIRA, PANACHIKKAVU P.O.,
POOVAM, PAIPPAD.

BY ADV. SRI.G.SUKUMARA MENON
SMT.DEEPTHI S.MENON

RESPONDENT: STATE

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THE STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V.RAMKUMAR, J.**

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**B.A.No. 7170 OF 2006**

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**DATED THIS THE 5TH DAY OF DECEMBER, 2006**

**O R D E R**

Petitioner who is the accused in C.R.No.14/06 of Changanassery Excise Range for offences punishable under sections 55(a) and 55(g) of the Abkari Act for allegedly having been found in possession of 32 litres of wash and distilling apparatus on 18.10.2006, seeks bail.

2. Learned Public Prosecutor opposed the application submitting that the petitioner had made good his escape on seeing the Excise party. It is too early to conclude that the petitioner is not guilty of the offence and that he will not commit any offence while on bail. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec.41A of the Abkari Act are present in this case so as to grant anticipatory bail to the petitioner. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within 10 days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this observation, this petition is disposed of.

V.RAMKUMAR, JUDGE.

dsn